

3. Because Defendant conducts business in Ohio, personal jurisdiction is established.
4. Venue is proper pursuant to *28 U.S.C. 1391(b)(2)*.

PARTIES

5. Plaintiff is a natural person who resides in Cleveland, Cuyahoga County, Ohio and is allegedly obligated to pay a debt, and Plaintiff is a "consumer" as that term is defined by *15 U.S.C. 1692a(3)*.
6. Pursuant to the definitions outlined in *15 U.S.C. 1692a(1-6)*, Defendant is a debt collector and sought to collect a consumer debt from Plaintiff which was allegedly due and owing from Plaintiff, and Plaintiff is a consumer debtor.
7. Defendant is a debt collector with an office in Philadelphia, PA.
8. Defendant uses instrumentalities of interstate commerce or the mails in a business the principal purpose of which is the collection of any debts, and/or regularly collects or attempts to collect, directly or indirectly, debts owed or due or asserted to be owed or due another and is a "debt collector" as that term is defined by *15 U.S.C. § 1692a(6)*.
9. Defendant is a collection agency that in the ordinary course of business, regularly, on behalf of itself or others, engages in debt collection.

FACTUAL ALLEGATIONS

10. For approximately 4 months prior to and including September, 2011, Defendant contacted Plaintiff via telephone at her number of (216) 941-8155, often calling multiple times daily, regarding alleged nonpayment of a consumer debt from Home Depot and seeking payment on that account.

11. Plaintiff during several calls advised Defendant that she was elderly, infirmed and on a permanently fixed income such that she would not be able to make payment on the account.
12. Despite Plaintiff's notifications, Defendant has continued to call, even sometimes on the same day in which it has already spoken to Plaintiff about her inability to pay,
13. Defendant representatives have further used abusive tone and language during personal contacts with Plaintiff such that she has been driven to tears during the course of such conversations.
14. Defendant calls and contacts, and the nature of the contacts, after having been advised of Plaintiff's permanent financial limitations, have been undertaken to annoy and harass Plaintiff for purposes of coercing payment on the alleged debt.

COUNT I
DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

15. Defendant violated the FDCPA based on the following:
 - a. Defendant violated §1692d of the FDCPA by engaging in conduct the natural consequence of which is to harass, oppress, or abuse the Plaintiff in connection with the collection of a debt.
 - b. Defendant violated §1692d(5) of the FDCPA by causing a telephone to ring or engaging any person in telephone conversation repeatedly or continuously with intent to annoy, abuse, or harass any person at the called number.
 - c. Defendant violated §1692e(2)(a) of the FDCPA by falsely representing the character, amount, or legal status of the debt.

- d. Defendant violated §1692d(2) by the use of obscene or profane language or language that the natural consequence of which is to abuse the hearer or reader.

WHEREFORE, Plaintiff, ROSE MARIE KEARSEY respectfully requests judgment be entered against Defendant, MONARCH RECOVERY MANAGEMENT INC. for the following:

16. Statutory damages of \$1000.00 pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*,
17. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*
18. Any other relief that this Honorable Court deems appropriate.

DEMAND FOR JURY TRIAL

Plaintiff, ROSE MARIE KEARSEY, requests a jury trial in this case.

Respectfully submitted,

KAHN & ASSOCIATES, LLC

/s/ David W. Skall

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Attorney for Plaintiff

VERIFICATION OF COMPLAINT AND CERTIFICATION

STATE OF OHIO

Plaintiff, ROSE MARIE KEARSEY, states the following:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.

Pursuant to 28 U.S.C. § 1746(2), I, ROSE MARIE KEARSEY, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

1-29-12
Date

Rose Marie Kearsey
ROSE MARIE KEARSEY